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PATENT APPLICATION  
DOCKET NO.: 231620000000

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FEB 06 2001  
JAN 12 2001  
TECH CENTER 1600/2980

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Walter Günzburg, Dieter Klein, Walter Tabotta and Brian Salmons

Application No.: 09/610,215

Group Art Unit: 1645

Filed: July 5, 2000

Examiner: Not Yet Assigned

TECH CENTER 1600/2980

Title: Reconstituting Retroviral Vector (ReCon Vector) for Targeted Gene Expression

Date: 1-8-01

EXPRESS MAIL LABEL NO. EL762340326 US

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or  
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or  
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or  
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):  
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.  
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
  - ☒ Copies of the cited references are enclosed (AA and AL-AO).
  - ☐ Copies of cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
  - ☒ References AL-AN were cited in the enclosed International Search Report in a counterpart foreign application.

## Concise Explanation Requirement (non-English references):

- ☐ The "concise explanation" requirement for reference(s) [ ] under 37 CFR 1.98(a)(3) is satisfied by:
  - ☐ the explanation provided on the attached sheet.
  - ☐ the explanation provided in the Specification.
  - ☐ submission of the enclosed International Search Report.
  - ☐ the enclosed English language abstract.

[X] Applicant requests that the following pending applications be considered:

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. 08/808,827, by Walter Günzburg and Robert M. Saller, filed February 28, 1997  
Docket No.: 2316.1001-000

\_\_\_\_ U.S. Patent Application No. 08/999,690, by Walter Günzburg, *et al.*, filed September 8, 1997  
Docket No.: 2316.1003-000

\_\_\_\_ U.S. Patent Application No. 09/035,596, by Walter Günzburg, *et al.*, filed March 5, 1998  
Docket No.: 2316.1007-000

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

[X] A copy of each above-cited application is enclosed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

[ ] A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

[ ] Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.

[X] Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: January 8, 2001